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8                           **UNITED STATES DISTRICT COURT**  
9                           **DISTRICT OF NEVADA**

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11     FELTON L. MATTHEWS,

12                           Petitioner,

13                           v.

14     STATE OF NEVADA, et al.,

15                           Respondents.

16                           Case No. 3:17-cv-00692-RCJ-VPC

17                           **ORDER**

18     Petitioner has submitted a document titled “Petition for Speculative Extra-Ordinary Relief  
19     Pursuant to 28 U.S.C. § 1651.” He asks for two things. First, he wants the court to allow him to  
20     file civil actions in forma pauperis, which he is not allowed to do under 28 U.S.C. § 1915(g).  
21     Second, he wants the court to vacate a judgment of conviction of a Texas court. The court denies  
his requests.

22     As the court has noted many times, recently in Matthews v. USA, 3:17-cv-00050,  
23     petitioner cannot proceed in forma pauperis because he has had at least three actions dismissed as  
24     frivolous, as malicious, or for failure to state a claim upon which relief can be granted. See 28  
25     U.S.C. § 1915(g). Petitioner earned that status through many years of meritless litigation. The  
26     court will not ignore the requirements of § 1915(g).

27     The only way that the court can order the vacation of the Texas judgment of conviction is  
28     through a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner alleges that the

1 judgment was entered in January 1991 and that he was sentenced to five years of probation and  
2 two years in prison. That sentence expired long before petitioner was sentenced in Nevada in  
3 2002 and long before petitioner commenced this action. Petitioner is not in custody pursuant to  
4 the Texas judgment of conviction. The court cannot grant him any relief from that judgment.

5 The court denies petitioner's other motions (ECF No. 3, ECF No. 4) because the court is  
6 dismissing this action.

7 Regarding the possibility of an appeal, the court both certifies that an appeal will not be  
8 taken in good faith and will not issue a certificate of appealability.

9 IT THEREFORE IS ORDERED that petitioner's application to proceed in forma pauperis  
10 (ECF No. 1) is **DENIED**.

11 IT FURTHER IS ORDERED that petitioner's motion for evidentiary hearing  
12 and appearance by teleconference (ECF No. 3) is **DENIED**.

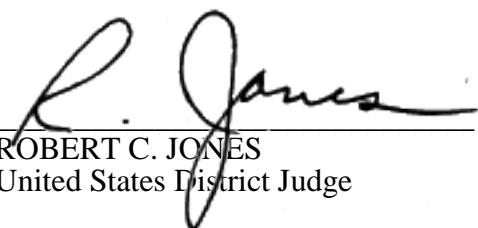
13 IT FURTHER IS ORDERED that petitioner's motion for injunctive relief (ECF No. 4) is  
14 **DENIED**.

15 IT FURTHER IS ORDERED that this action is **DISMISSED**. The clerk of the court shall  
16 enter judgment accordingly and close this action.

17 IT FURTHER IS ORDERED that any appeal from the judgment would not be taken in  
18 good faith.

19 IT FURTHER IS ORDERED that a certificate of appealability will not issue.

20 DATED: **June 19, 2018**

  
ROBERT C. JONES  
United States District Judge

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